

1 **GEORGE M. RANALLI, ESQ.**
Nevada Bar No. 5748
2 **JASON ANDREW FOWLER, ESQ.**
Nevada Bar No. 8071
3 **VICKI DRISCOLL, ESQ.**
Nevada Bar No. 3939
4 **JAMES F. HOLTZ, ESQ.**
Nevada Bar No. 8119
5 **RANALLI ZANIEL FOWLER & MORAN, LLC**
2400 W. Horizon Ridge Parkway
6 ranalliservice@ranalllilawyers.com
Attorneys for Defendant,
7 **WALGREEN CO.**

8 **UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF NEVADA**

10 ANNMARIE SICOLI, individually;)
) Case No:
11 Plaintiff,)
)
12 vs.)
)
13 WALGREEN CO. an Illinois)
Corporation d/b/a WALGREENS, DOES)
14 I-X; and ROE CORPORATIONS I-X,)
inclusive,)
)
15 Defendants.)
)

NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C.
§ 1441 (B) (DIVERSITY)

16 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

17 PLEASE TAKE NOTICE that Defendant WALGREEN CO. hereby
18 removes to this Court the state court action described below.

19 1. On September 16, 2020, an action was commenced in the
20 District Court for Clark County, Nevada, entitled
21 ANNMARIE SICOLI v. WALGREEN CO. d/b/a WALGREENS, DOES I
22 - X, and ROE CORPORATIONS I - X, as Case No: A-20-
23 821298-C. A copy of the Summons and Complaint are
24 attached hereto as **Exhibits A and B.**

1 2. Defendant WALGREEN CO. received a copy of said Complaint
2 on September 21, 2020, when Defendant's agent accepted service
3 of said Summons and Complaint on its behalf. A copy of the
4 Affidavit of Service is attached hereto as **Exhibit C**.

5 3. This is a civil action of which this Court has
6 original jurisdiction under 28 U.S.C. § 1332, and is one which
7 may be removed to this Court by Defendant pursuant to the
8 provisions of 28 U.S.C. § 1441(b) in that it is a civil action
9 between citizens of different states and the matter in
10 controversy exceeds the sum of \$75,000, exclusive of interest
11 and costs.

12 4. Plaintiff is a citizen of the State of Nevada.
13 Defendant WALGREEN CO. was at the time of filing this action,
14 and still is, a corporation incorporated under the laws of the
15 State of Illinois, having its principal place of business at
16 Deerfield, Illinois.

17 5. On October 9, 2020, Defendant WALGREEN CO. filed its
18 Initial Appearance Fee Disclosure, Answer to Plaintiff's
19 Complaint and Demand for Jury Trial. A copy of the Initial
20 Appearance Fee Disclosure, Answer to Plaintiff's Complaint and
21 Demand for Jury Trial are attached as **Exhibits D, E and F**.

22 6. On October 22, 2020, Plaintiff filed a Petition for
23 Exemption from Arbitration asserting that Plaintiff slipped and
24 fell on a liquid substance and was diagnosed with radiculopathy

1 and left hip pain and her treatment has included two bilateral
 2 L5 selective transforaminal lumbar epidural steroid injections
 3 on August 2, 2019 and October 25, 2019. Plaintiff alleges she
 4 has incurred significant medical expenses to date of \$24,155.38
 5 and will incur future cost of treatment. A copy of the Petition
 6 for Exemption from Arbitration is attached hereto as **Exhibit G**.

7 7. Removal is timely as Defendant WALGREEN CO. filed this
 8 notice of removal within thirty days of Plaintiff filing his
 9 Petition for Exemption from Arbitration, at which time Walgreen
 10 Co. learned of the amount in controversy, and within one year of
 11 the Complaint's filing. 28 U.S.C. § 1446(b). (See Harris vs.
 12 Bankers Life & Cas. Co. 425 F.3d 689, 694 (9th Cir. 2005)).

13 Dated this 2nd day of November, 2020.

14 **RANALLI ZANIEL FOWLER & MORAN, LLC**

15 */s/ Vicki Driscoll*

16 **GEORGE M. RANALLI, ESQ.**

Nevada Bar No. 5748

17 **JASON ANDREW FOWLER, ESQ.**

Nevada Bar No. 8071

18 **VICKI DRISCOLL, ESQ.**

Nevada Bar No. 3939

19 **JAMES F. HOLTZ, ESQ.**

Nevada Bar No. 8119

20 Attorneys for Defendant,
 21 WALGREEN CO.

CERTIFICATE VIA CM/ECF

Pursuant to FRCP 5, I hereby certify that I am an employee of RANALLI ZANIEL FOWLER & MORAN, LLC, and that on the 2nd day of November, 2020 I caused to be served via CM/ECF a true and correct copy of the document described herein.

Document Served:

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441 (B) (DIVERSITY)

Joshua L. Benson, Esq.
BENSON ALLRED
6250 N. Durango Drive
Las Vegas, Nevada 89149
Attorney for Plaintiff
VIA ELECTRONIC SERVICE

/s/ Vicki Perez

**An Employee of
RANALLI ZANIEL FOWLER & MORAN, LLC**

RANALLI ZANIEL FOWLER & MORAN, LLC
2400 WEST HORIZON RIDGE PARKWAY
HENDERSON, NEVADA 89052
TELEPHONE: (702) 477-7774 FAX: (702) 477-7778

EXHIBIT A

Electronically Issued
9/16/2020 1:27 PM**SUMM**

Joshua L. Benson, Esq.
Nevada Bar No. 10514
BENSON ALLRED
6250 N. Durango Dr.
Las Vegas, Nevada 89149
Telephone: (702) 820-0000
Facsimile: (702) 820-1111
E-mail: josh@bensonallred.com
Attorneys for Plaintiff(s)

DISTRICT COURT**CLARK COUNTY, NEVADA**

ANNMARIE SICOLI, individually;

Plaintiff,

v.

WALGREEN CO. an Illinois Corporation d/b/a
WALGREENS, DOES I - X; and ROE
CORPORATIONS I - X, inclusive,

Defendants.

CASE NO.: A-20-821298-C
DEPT. NO.:

SUMMONS

**NOTICE! YOU HAVE BEEN SUED, THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR
BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS, READ THE INFORMATION BELOW.**

WALGREEN CO.

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:

- a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
- b. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

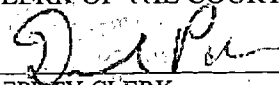
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this summons within which to file an answer or other responsive pleading to the complaint.

Issued at the direction of:

/s/ Joshua Benson

Joshua L. Benson, Esq.
Nevada Bar No. 10514
6250 N. Durango Drive, Las Vegas, NV 89149

CLERK OF THE COURT



DEPUTY CLERK
200 Lewis Avenue, 5th Floor
Las Vegas, Nevada 89155-1601

9/16/2020

DATE

EXHIBIT B

Electronically Filed
9/16/2020 1:26 PM
Steven D. Grierson
CLERK OF THE COURT



COMP

Joshua L. Benson, Esq.
Nevada Bar No. 10514
BENSON ALLRED
6250 N. Durango Dr.
Las Vegas, Nevada 89149
Telephone: (702) 820-0000
Facsimile: (702) 820-1111
E-mail: josh@bensonallred.com
Attorneys for Plaintiff(s)

CASE NO: A-20-821298-C
Department 25

DISTRICT COURT
CLARK COUNTY, NEVADA

ANNMARIE SICOLI, individually;

Plaintiff,

v.

CASE NO.
DEPT. NO.

COMPLAINT

WALGREEN CO. an Illinois Corporation d/b/a
WALGREENS, DOES I - X; and ROE
CORPORATIONS I - X, inclusive,

Defendants.

ARBITRATION EXEMPT
[Amount in Controversy Exceeds \$50,000]

Plaintiff complains as follows:

GENERAL ALLEGATIONS

1. The actions complained of herein occurred in Clark County, Nevada.
2. This Court has jurisdiction over this matter under NRS 14.065 and NRS 4.370(1) because the facts alleged occurred in Clark County, Nevada and involve an amount in controversy in excess of \$15,000.00.
3. Defendant Walgreen Co., an Illinois Corporation d/b/a Walgreens is, and at all times mentioned herein was, a foreign limited liability company or other business entity, doing business in Clark County, State of Nevada.
4. The true names and capacities of the Defendants designated herein as DOE or ROE ENTITIES are presently unknown to Plaintiff at this time, who therefore sues said Defendants by such fictitious names. When the true names and capacities of these defendants are ascertained, Plaintiffs will amend this Complaint accordingly.
5. The Defendants designated herein as DOE or ROE ENTITIES are other owners, operators,

1 managers, controllers, designers, maintenance providers, and/or otherwise responsible for building and/or
2 maintenance of the subject Property.

3 6. At all times pertinent herein, Defendants were agents, servants, employees or joint venturers
4 of every other Defendant, and at all times mentioned herein were acting within the scope and course of said
5 agency, employment, or joint venture, with knowledge and permission and consent of all other named
6 Defendants.

7 7. On March 30, 2019, Plaintiff was a patron and/or invited guest at Defendant Walgreen Co.,
8 located at 1500 South Boulder Highway, Henderson, Nevada (hereafter the "Location").

9 8. Upon information and belief, the Location is owed, designed, operated, maintained, managed
10 and/or controlled by Walgreen Co. and related unknown entities designated as ROE Entities VI-X.

11 9. While at the location, Plaintiff slipped on a liquid substance on the ground (hereafter the
12 "dangerous condition"), causing Plaintiff to sustain serious injuries.

13 10. Defendants should have warned or otherwise made safe the dangerous condition because that
14 condition was non-obvious to Plaintiff.

15 11. Defendants negligently, carelessly, and recklessly maintained, constructed and allowed the
16 dangerous condition to exist.

17 **FIRST CAUSE OF ACTION**

18 **(Negligence)**

19 12. Plaintiff incorporates paragraphs 1 through 11 of the Complaint as though said paragraphs
20 were fully set forth herein.

21 13. Defendants had a duty to maintain, manage, inspect, clean, supervise, control, and repair the
22 location. Defendants had a duty to warn Plaintiff of its dangerous condition.

23 14. Defendant breached these duties, which breach proximately caused harm to Plaintiff.

24 15. As a direct and proximate result of the negligence of Defendants, Plaintiff has been damaged
25 in an amount in excess of \$15,000.00.

26 WHEREFORE, Plaintiff expressly reserves the right to amend this complaint prior to or at the time
27 of trial of this action, to insert those items of damage not yet fully ascertainable, prays judgment against all
28 Defendants, and each of them, as follows:

1. For general damages in an amount in excess of \$15,000.00;
2. For special damages in an amount in excess of \$15,000.00;
3. For reasonable attorney's fees and costs;
4. For interest at the statutory rate; and
5. For such other relief as the Court deems just and proper.

BENSON ALLRED INJURY LAW

/s/ Joshua Benson
Joshua L. Benson, Esq.
Nevada Bar No. 10514
6250 North Durango Drive
Las Vegas, Nevada 89149
Attorneys for Plaintiff

EXHIBIT C

Electronically Filed

9/22/2020 3:04 PM

Steven D. Grierson

CLERK OF THE COURT

AFFIDAVIT OF SERVICE

Case: A-20-821298-C	Court: EIGHTH JUDICIAL DISTRICT COURT	County: CLARK COUNTY, NV	Job: 1891401
Plaintiff / Petitioner: Annmarie Sicoli		Defendant / Respondent: Walgreen Co. d/b/a Walgreens	
Received by: Serve Vegas LLC		For: Benson Allred	
To be served upon: Walgreen Co.			

I, Richard Reese, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: TRISTIN ALINSHIO, 112 N Curry St, Carson City, NV 89703

Manner of Service: Registered Agent, Sep 21, 2020, 12:56 pm PDT

Documents: Complaint, Summons

Additional Comments:

1) Successful Attempt: Sep 21, 2020, 12:56 pm PDT at 112 N Curry St, Carson City, NV 89703 received by TRISTIN ALINSHIO. Age: 47; Ethnicity: Caucasian; Gender: Female; Weight: 180; Height: 5'6"; Hair: Brown; Eyes: Brown;

Pursuant to NRS 14.020 Documents were served by leaving a true copy, with the person stated above, who is a person of suitable age and discretion at the most recent address of the registered agent shown on the information filed with the Secretary of State.

I declare under penalty of perjury that the foregoing is true and correct.



09/21/2020

Richard Reese
PILB#1505

Date

Serve Vegas LLC
9811 W. Charleston Blvd 2-732
Las Vegas, NV 89117
775-720-2620

EXHIBIT D

CLERK OF THE COURT
Alvin P. Linn

CLARK COUNTY, NEVADA

ANNMARIE SICOLI, individually;)
)
 Plaintiff,) CASE NO.: A-20-821298-C
) DEPT. NO.: XXV
 vs.)
)
 WALGREEN CO. an Illinois)
 Corporation d/b/a WALGREENS, DOES)
 I-X; and ROE CORPORATIONS I-X,)
 inclusive,)
)
 Defendants.)
)

Pursuant to NRS Chapter 19, as amended by Senate Bill 106,
filing fees are submitted for parties appearing in the above-
entitled action as indicated below:

///

///

///

///

RANALLI ZANIEL FOWLER & MORAN, LLC
2400 WEST HORIZON RIDGE PARKWAY
HENDERSON, NEVADA 89052
TELEPHONE: (702) 477-7774 FAX: (702) 477-7778

DEFENDANT WALGREEN, CO. \$223.00

TOTAL FEES REMITTED: \$223.00

DATED this 9th day of October, 2020.

RANALLI ZANIEL FOWLER & MORAN, LLC

/s/ James F. Holtz

GEORGE M. RANALLI, ESQ.

Nevada Bar No. 5748

JASON ANDREW FOWLER, ESQ.

Nevada Bar No. 8071

JAMES F. HOLTZ, ESQ.

Nevada Bar No. 8119

Attorneys for Defendant,

WALGREEN CO.

RANALLI ZANIEL FOWLER & MORAN, LLC
2400 WEST HORIZON RIDGE PARKWAY
HENDERSON, NEVADA 89052
TELEPHONE: (702) 477-7774 FAX: (702) 477-7778

CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that I am an employee of **RANALLI ZANIEL FOWLER & MORAN, LLC**, and that on the 9th day of October, 2020, I caused the foregoing **INITIAL APPEARANCE FEE DISCLOSURE** to be served as follows:

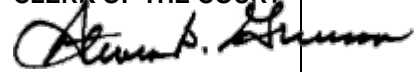
- ☐ by placing a true and correct copy of the same to be deposited for mailing in the US Mail at Henderson, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or
- ☐ pursuant to EDCR 7.26, by sending it via facsimile (w/out attachments); and/or
- ☐ by hand delivery to the parties listed below; and/or
- ☒ pursuant to N.E.F.C.R. Rule 9 and Administrative Order 14-2, by sending it via electronic service:

Joshua L. Benson, Esq.
BENSON ALLRED
6250 N. Durango Drive
Las Vegas, Nevada 89149
Attorney for Plaintiff
VIA ELECTRONIC SERVICE

/s/ *Donna Hicks*

An Employee of
RANALLI ZANIEL FOWLER & MORAN, LLC

EXHIBIT E



ANS

GEORGE M. RANALLI, ESQ.

Nevada Bar No. 5748

JASON ANDREW FOWLER, ESQ.

Nevada Bar No. 8071

JAMES F. HOLTZ, ESQ.

Nevada Bar No. 8119

RANALLI ZANIEL FOWLER & MORAN, LLC

2400 W. Horizon Ridge Parkway

Henderson, Nevada 89052

ranalliservice@ranallilawyers.com

Attorneys for Defendant,

WALGREENS CO.

DISTRICT COURT

CLARK COUNTY, NEVADA

ANNMARIE SICOLI, individually;)

)

Plaintiff,)

)

CASE NO.: A-20-821298-C

DEPT. NO.: XXV

vs.)

)

WALGREEN CO. an Illinois)
Corporation d/b/a WALGREENS, DOES)I-X; and ROE CORPORATIONS I-X,)
inclusive,)

)

Defendants.)

)

DEFENDANT WALGREEN CO.'S ANSWER TO PLAINTIFF'S COMPLAINT

COMES NOW Defendant WALGREENS, CO., and answers in response to the Complaint and the allegations contained therein as follows:

GENERAL ALLEGATIONS

1. Defendant has no information or belief as to the allegations in paragraph 1 and on that ground denies each and every allegation of said paragraph.

///

1 2. Defendant has no information or belief as to the
2 allegations in paragraph 2 and on that ground denies each and
3 every allegation of said paragraph.

4 3. Defendant admits it is an Illinois Corporation doing
5 business in Clark County, State of Nevada, of Paragraph 3.

6 4. Defendant has no information or belief as to the
7 allegations in paragraph 4 and on that ground denies each and
8 every allegation of said paragraph.

9 5. Defendant has no information or belief as to the
10 allegations in paragraph 5 and on that ground denies each and
11 every allegation of said paragraph.

12 6. Defendant has no information or belief as to the
13 allegations in paragraph 6 and on that ground denies each and
14 every allegation of said paragraph.

15 7. Defendant has no information or belief as to the
16 allegations in paragraph 7 and on that ground denies each and
17 every allegation of said paragraph.

18 8. Defendant admits operating Walgreens at 1500 South
19 Boulder Highway on or about March 30, 2019, but has no
20 information or belief as to the remaining allegations contained
21 therein and therefore denies the same, of paragraph 8.

22 9. In response to paragraph 9, Defendant denies each and
23 every allegation of said paragraph.

24 10. In response to paragraph 10, Defendant denies each and
every allegation of said paragraph.

///
24

1 11. In response to paragraph 11, Defendant denies each and
2 every allegation of said paragraph.

3 **FIRST CAUSE OF ACTION**

4 **(Negligence)**

5 12. Defendant repeats and re-alleges each and every
6 response to each and every allegation contained in paragraphs 1
7 through 11 above as though fully set forth herein verbatim.

8 13. In response to paragraph 13, Defendant denies each and
9 every allegation of said paragraph.

10 14. In response to paragraph 14, Defendant denies each and
11 every allegation of said paragraph.

12 15. In response to paragraph 15, Defendant denies each and
13 every allegation of said paragraph.

14 **AFFIRMATIVE DEFENSES**

15 **FIRST AFFIRMATIVE DEFENSE**

16 Plaintiff's Complaint on file herein fails to state a claim
17 against Defendants upon which relief can be granted.

18 **SECOND AFFIRMATIVE DEFENSE**

19 The incident alleged in the Complaint, and the resulting
20 damages, if any, to Plaintiff, was proximately caused or
21 contributed to by the Plaintiff's own negligence, and such
22 negligence was greater than the negligence, if any, of
23 Defendants, and/or Defendants are entitled to an offset for the
24

1 negligence of Plaintiff if such negligence was less than that of
2 Defendant.

3 **THIRD AFFIRMATIVE DEFENSE**

4 Defendants allege that Plaintiff has failed to mitigate her
5 damages, if any.

6 **FOURTH AFFIRMATIVE DEFENSE**

7 The occurrences referred to in the Complaint, and all
8 damages, if any, resulting there from, were caused by the acts
9 or omissions of third parties over whom these answering
10 Defendants had no control.

11 **FIFTH AFFIRMATIVE DEFENSE**

12 Attorney's fees are only recoverable through contract or by
13 statute and are not recoverable as damages in a lawsuit for
14 personal injury damages. Plaintiff's claims for attorney's fees
15 and costs as alleged in Plaintiff's Complaint are not
16 recoverable herein and have been improperly pled in Plaintiff's
17 Complaint. Defendants specifically reserve the right to have
18 Plaintiff's improperly pled claim for attorney's fees dismissed
19 prior to trial. Plaintiff's claims are barred by the applicable
20 statute of limitations.

21 **SIXTH AFFIRMATIVE DEFENSE**

22 An unforeseeable incapacity/sudden emergency as a bar to
23 liability in negligence are based upon the principle that one is
24

1 not negligent if an unforeseeable occurrence or sudden emergency
2 causes an accident and/or injury.

3 **SEVENTH AFFIRMATIVE DEFENSE**

4 If any damages are awarded to Plaintiff, they should be
5 apportioned among the Defendants according to their percentage
6 of liability and/or among the various accidents and/or pre-
7 existing conditions.

8 **EIGHTH AFFIRMATIVE DEFENSE**

9 Defendants are not joint and severally liable and are only
10 severally liable, if liable at all.

11 **NINTH AFFIRMATIVE DEFENSE**

12 Any hazard alleged is trivial.

13 **TENTH AFFIRMATIVE DEFENSE**

14 Any hazard defect was open and obvious.

15 **ELEVENTH AFFIRMATIVE DEFENSE**

16 Plaintiffs do not have a ripe cause of action.

17 **THIRTEENTH AFFIRMATIVE DEFENSE**

18 If any hazard or danger existed to Plaintiff for which
19 Defendant would be responsible, Plaintiff knew of the danger or
20 hazard and her own unreasonable conduct was the cause of any
21 injury, be it due to a hazardous, ultra-hazardous activity or
22 condition or otherwise.

23 ///

24 ///

FOURTEENTH AFFIRMATIVE DEFENSE

All of the risks and dangers involved in the factual situation described in the Complaint were open, obvious and known to Plaintiff, and by reason thereof, Plaintiff assumed such risks and dangers incident thereto.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff's action is barred and/or diminished by the doctrines of consent, waiver, laches, estoppel and/or unclean hands.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiff's own unreasonable conduct constitutes the sole or majority of the cause for his alleged injuries.

SEVENTEENTH AFFIRMATIVE DEFENSE

The occurrences referred to in the Complaint, and all damages, if any, resulting there from, were caused by the acts or omissions of co-defendants, unnamed defendants, non-parties or third parties over whom this answering Defendant had no control.

EIGHTEENTH AFFIRMATIVE DEFENSE

These Answering Defendants, not being fully advised as to all facts and circumstances surrounding the incident complained of, hereby assert and reserve unto themselves the defenses of accord and satisfaction, arbitration and award, discharged and bankruptcy, duress, failure of consideration, fraud, illegality,

1 injury by fellow servant, laches, license, permit, consent,
2 payment, release res judicata, statute of frauds, and other
3 contract defenses including but not limited to failure of
4 contract formation, absence of privity, Plaintiff's lack of
5 standing, absence, lack or failure of consideration, illusory
6 promises, absence of mutual assent, mutual mistake and/or
7 unilateral mistake wherein Plaintiff was aware of the mistake,
8 misrepresentation and/or fraud, failure to perform,
9 unconscionability, improper delegation of duties and/or
10 assignment of rights, nonoccurrence of condition precedent,
11 excuse, and discharge by performance, impossibility,
12 impracticability, frustration, illegality, rescission,
13 modification, novation, release, cancellation, substituted
14 contract, account stated, lapse, operation of law including but
15 not limited to running of the statute of limitations, and/or
16 occurrence of condition subsequent, consent of the Plaintiffs,
17 that Plaintiffs have granted Defendant's an easement either
18 expressly or implied in fact, that the conditions complained of
19 were so open and obvious that Plaintiffs or their predecessors
20 in interest consented to them, that any damages claimed by
21 Plaintiffs are the fault of underlying contractors, construction
22 companies, developers or laborers over whom Defendants had no
23 control or authority and any other matter constituting an
24

1 avoidance or affirmative defense which the further investigation
2 of this matter may prove applicable herein.

3 **NINETEENTH AFFIRMATIVE DEFENSE**

4 Any alleged hazardous condition was unknown to Defendant
5 and if it existed, had existed for such a short period of time
6 that Defendant cannot be held responsible for it.

7 **TWENTIETH AFFIRMATIVE DEFENSE**

8 Pursuant to NRCP Rule 11, as amended, all possible
9 affirmative defenses may not have been alleged herein, insofar
10 as sufficient facts were not available after reasonable inquiry
11 upon the filing of Defendants' Answer and, therefore, Defendants
12 reserve the right to amend their Answer to allege additional
13 affirmative defenses or withdraw certain affirmative defenses if
14 subsequent investigation warrants.

15 WHEREFORE, Defendant prays for the following:

16 1. That Plaintiff take nothing and Judgment be entered in
17 favor of Defendant Walgreens.

18 2. For attorney's fees and costs of suit herein incurred;
19 and

20 ///

21 ///

22 ///

23 ///

24 ///

///

1 3. For such other and further relief as the court may
2 deem just and proper.

3 Dated this 9TH day of October, 2020.

4 **RANALLI ZANIEL FOWLER & MORAN, LLC**

5 */s/ James F. Holtz*

6 **GEORGE M. RANALLI, ESQ.**

7 Nevada Bar No. 5748

8 **JASON ANDREW FOWLER, ESQ.**

9 Nevada Bar No. 8071

10 **JAMES F. HOLTZ, ESQ.**

11 Nevada Bar No. 8119

12 Attorneys for Defendant,

13 WALGREEN CO.

RANALLI ZANIEL FOWLER & MORAN, LLC
2400 WEST HORIZON RIDGE PARKWAY
HENDERSON, NEVADA 89052
TELEPHONE: (702) 477-7774 FAX: (702) 477-7778

CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that I am an employee of **RANALLI ZANIEL FOWLER & MORAN, LLC**, and that on the 9th day of October, 2020, I caused the foregoing **DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT** to be served as follows:

☐ by placing a true and correct copy of the same to be deposited for mailing in the US Mail at Henderson, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or

☐ pursuant to EDCR 7.26, by sending it via facsimile (w/out attachments); and/or

☐ by hand delivery to the parties listed below; and/or

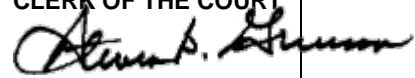
☒ pursuant to N.E.F.C.R. Rule 9 and Administrative Order 14-2, by sending it via electronic service:

Joshua L. Benson, Esq.
BENSON ALLRED
6250 N. Durango Drive
Las Vegas, Nevada 89149
Attorney for Plaintiff
VIA ELECTRONIC SERVICE

/s/ *Donna Hicks*

An Employee of
RANALLI ZANIEL FOWLER & MORAN, LLC

EXHIBIT F



DMJT

GEORGE M. RANALLI, ESQ.

Nevada Bar No. 5748

JASON ANDREW FOWLER, ESQ.

Nevada Bar No. 8071

JAMES F. HOLTZ, ESQ.

Nevada Bar No. 8119

RANALLI ZANIEL FOWLER & MORAN, LLC

2400 W. Horizon Ridge Parkway

Henderson, Nevada 89052

ranalliservice@ranallilawyers.com

Attorneys for Defendant,

WALGREEN CO.

DISTRICT COURT**CLARK COUNTY, NEVADA**

ANNMARIE SICOLI, individually;)

Plaintiff,)

vs.)

WALGREEN CO. an Illinois)
Corporation d/b/a WALGREENS, DOES)
I-X; and ROE CORPORATIONS I-X,)
inclusive,)

Defendants.)

CASE NO.: A-20-821298-C
DEPT. NO.: XXV**DEMAND FOR JURY TRIAL**

Defendant, WALGREEN, CO. by and through its attorneys of record, GEORGE M. RANALLI, ESQ., JAMES HOLTZ, ESQ. and JASON ANDREW FOWLER, ESQ., with the law offices of RANALLI ZANIEL FOWLER & MORAN, LLC, hereby demands a jury

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trial of all of the issues in the above-entitled matter.

DATED this 9th day of October, 2020.

RANALLI ZANIEL FOWLER & MORAN, LLC

/s/ James F. Holtz

GEORGE M. RANALLI, ESQ.

Nevada Bar No. 5748

JASON ANDREW FOWLER, ESQ.

Nevada Bar No. 8071

JAMES F. HOLTZ, ESQ.

Nevada Bar No. 8119

Attorneys for Defendant,
WALGREEN CO.

RANALLI ZANIEL FOWLER & MORAN, LLC
2400 WEST HORIZON RIDGE PARKWAY
HENDERSON, NEVADA 89052
TELEPHONE: (702) 477-7774 FAX: (702) 477-7778

CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that I am an employee of **RANALLI ZANIEL FOWLER & MORAN, LLC**, and that on the 9th day of October, 2020, I caused the foregoing **DEMAND FOR JURY TRIAL** to be served as follows:

☐ by placing a true and correct copy of the same to be deposited for mailing in the US Mail at Henderson, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or

☐ pursuant to EDCR 7.26, by sending it via facsimile (w/out attachments); and/or

☐ by hand delivery to the parties listed below; and/or

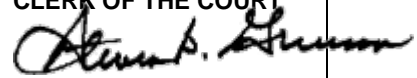
☒ pursuant to N.E.F.C.R. Rule 9 and Administrative Order 14-2, by sending it via electronic service:

Joshua L. Benson, Esq.
BENSON ALLRED
6250 N. Durango Drive
Las Vegas, Nevada 89149
Attorney for Plaintiff
VIA ELECTRONIC SERVICE

/s/ *Donna Hicks*

An Employee of
RANALLI ZANIEL FOWLER & MORAN, LLC

EXHIBIT G

**ABREA**

Joshua L. Benson, Esq.
Nevada Bar No. 10514
BENSON ALLRED
6250 N. Durango Dr.
Las Vegas, Nevada 89149
Telephone: (702) 820-0000
Facsimile: (702) 820-1111
E-mail: josh@bensonallred.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

ANNMARIE SICOLI, individually;

Plaintiff,

v.

WALGREEN CO. an Illinois Corporation d/b/a
WALGREENS, DOES I - X; and ROE
CORPORATIONS I - X, inclusive,

Defendants.

CASE NO.: A-20-821298-C
DEPT. NO.: 25

PETITION FOR EXEMPTION FROM ARBITRATION

COMES NOW, ANNMARIE SICOLI, INDIVIDUALLY; by and through her attorneys of record, JOSHUA L. BENSON, ESQ., of BENSON ALLRED INJURY LAW, and hereby requests the above entitled matter be exempted from arbitration pursuant to Nevada Arbitration Rule 3 and 5, as this case:

1. ____ presents a significant issue of public policy;
2. XX involves an amount in issue in excess of \$50,000, exclusive of interest and costs;
3. ____ presents unusual circumstances which constitute good cause for removal from the program.

This is an action for personal injuries resulting from an incident that occurred on March 30, 2019, in Clark County, Nevada. On that date, Plaintiff was a patron and of Defendant Walgreen Co., when she slipped and fell on a liquid substance on the ground, causing Plaintiff serious injuries.

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As a result of this incident, Plaintiff suffered injuries that have been diagnosed by his medical providers as follows:

- Radiculopathy;
- Left hip pain.

After failing conservative treatment, Plaintiff underwent the following procedures performed by Dr. Peter Su, M.D., of Southern Nevada Pain Center:

DATES OF SERVICE	PROCEDURE
August 2, 2019	Bilateral L5 Selective Transforaminal Lumbar Epidural Steroid Injection
October 25, 2019	Bilateral L5 Selective Transforaminal Lumbar Epidural Steroid Injection

To date, Plaintiff has incurred the following medical expenses as a result of the subject incident:

1.	Henderson Hospital	\$8,131.00
2.	Shadow Emergency Physicians	\$922.00
3.	Desert Radiologists	\$158.16
4.	ATI Physical Therapy	\$354.22
5.	Steinberg Diagnostic Medical Imaging	\$700.00
6.	Healthcare Partners Medical Group	\$795.00
7.	Southern Nevada Pain Center	\$4,420.00
8.	Single Day Surgery Center	\$8,000.00
9.	Nevada Orthopedic & Spine Center	\$675.00
TOTAL DAMAGES		\$24,155.38

As is evidenced by the injuries diagnosed by Plaintiff's healthcare providers, together with the significant medical expenses incurred by Plaintiff and the future cost of treatment, Plaintiff's case has a probable jury award value in excess of \$50,000. Accordingly, and pursuant to N.A.R. 3, this matter is appropriately exempted from the Court Annexed Arbitration Program. Further, this request for exemption has been timely filed pursuant to the requirements set forth in N.A.R. 5.

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1 Based upon the foregoing, I hereby certify pursuant to N.R.C.P. 11 this case to be within the
2 exemption marked above, and I am aware of the sanctions which may be imposed against any attorney
3 or party who without good cause or justification attempts to remove a case from the arbitration
4 program.

5
6 BENSON ALLRED INJURY LAW

7
8 /s/ Joshua Benson

9 Joshua L. Benson, Esq.
10 Nevada Bar No. 10514
6250 North Durango Drive
Las Vegas, Nevada 89149
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(a), E.D.C.R. 7.26(a) and N.E.F.C.R. 9, I hereby certify that I am an employee of BENSON ALLRED INJURY LAW, and on the 22nd day of October, 2020 the foregoing **PETITION FOR EXEMPTION FROM ARBITRATION** was served by electronic means via the Eighth Judicial Court's Odyssey E-File and Serve system to all parties registered.

/s/ Teresa Regalado

An Employee of BENSON ALLRED INURY LAW